23rd August 1955]

Application forms for obtaining liquor permits

* 350 *Q.*—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(*a*) whether the Government have considered the question of simplification of the application forms for obtaining liquor permits, especially in the case of tourists; and

(*b*) if so, what orders have been passed in the matter?

THE HON. SRI B. PARAMESWARAN :—" (*a*) & (*b*) The answer is in the negative.

SRI T. PURUSHOTHAM :—" May I know whether the Central Government authority, viz., the Regional Tourist Officer was consulted in this matter and what proposals she had submitted for adopting a simplified system of liquor permits for tourists? "

THE HON. SRI B. PARAMESWARAN :—" No representation has been made to Government. The present system seems to be more agreeble and it is not cumbrous."

SRI K. BALASUBRAMANYA AYYAR :—" Are the Government aware that those who welcome these tourists become anti-prohibitionist in their company."

THE HON. SRI B. PARAMESWARAN :—" I do not think so."

II.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN :—" I have to announce to the House that I have received the following message, dated the 22nd August 1955 from the Deputy Speaker, Madras Legislative Assembly :—

'In accordance with Rule 114 of the Madras Assembly Rules, I transmit a copy of the Pudukottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955) as passed by the Legislative Assembly on the twenty-second day of August 1955 and signed by me for the concurrence of the Council.' "

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—STATEMENT UNDER RULE 41 (1) OF THE LEGISLATIVE COUNCIL RULES.

* SRI T. PURUSHOTHAM :—" Under rule 41 (1) of the Legislative Council Rules, I wish to call the attention of the Hon. Minister for Local Administration to the election notice of the Commissioner, Corporation of Madras, as the Returning Officer in the matter of election of members to the Madras Corporation Council. In the list of valid nominations published yesterday, against the name of each person is mentioned the community to which he belongs viz., Mudaliar, Adi-Dravida, Non-Brahmin, etc."

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—" I have not been served with the notice of this motion."

[23rd August 1955

* SRI T. PURUSHOTHAM :—" I thought it would have reached the Hon. Minister. It has been circulated yesterday. That is what I was told."

MR. CHAIRMAN :—" I am told it has been sent to the Hon. Minister. Perhaps it has not yet reached him."

* SRI T. PURUSHOTHAM :—" I have no objection if the Hon. Minister could give an answer or make his statement tomorrow. I only wanted to bring it to the notice of the Hon. Minister. If . . ."

MR. CHAIRMAN :—" As the Hon. Minister is not able to give his answer, we will take up this question tomorrow."

IV.—GOVERNMENT BILLS.

(1) THE POLICE (MADRAS AMENDMENT) BILL, 1955 (L.A. BILL NO. 14 OF 1955)—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—" I had the technical point raised by Sri K. Balasubramanya Ayyar yesterday, thoroughly examined and I am advised by the Law Officers that there is nothing wrong in undertaking this amendment. There is a difference between the law coming into operation in a particular area and the law being made applicable to a certain area. We may pass an Act and it may come into effect later on at a particular date. It may be passed either by the Central Legislature or the State Legislature. It does not matter whether the Central or the State Legislature passes that Act. When we have to change any provision of that enactment, it is not as if we cannot bring an amendment to that original Act. since only a portion of the same has been made applicable to this State, when it was originally passed. If any portion of a law is applicable to an area over which the Legislature of a State has got jurisdiction, then the Legislature of that State has got the power and it is open to that Legislature to amend that Act, if it so chooses. We have got precedents for that. We have two precedents, which I can traightway mention. The Madras Ways and Means Act, 1948, which did not come into operation at that year but which came into effect later on, was amended by Act XIX of 1950 (Madras Act XXXVI of 1951) which amended sections 1 and 20 (*a*) which did not come into operation and inserted new sections 5 (*a*) and 14 (*a*). The Child Marriage Restraint Act which came into force on 1st April 1930 was amended earlier on 16th March 1930. Therefore the only question now before us is whether this Bill is one on which we are competent to legislate. As far as the Police Act is concerned, hon. Members may be aware that jurisdiction is given to the State to deal with matters pertaining to police and therefore even though the Act had been passed at that time by the Central Legislature, by adaptation and after the Constitution came into force, all these Acts have been deemed to be Acts passed by the State Legislature, which has